



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,492	11/14/2003	Donna M. Harrison	1033-MS1009	1030
60533	7590	12/11/2007	EXAMINER	
TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			TIEU, BINH KIEN	
		ART UNIT	PAPER NUMBER	
		2614		
		MAIL DATE	DELIVERY MODE	
		12/11/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/714,492	HARRISON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	/BINH K. TIEU/	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 11/14/03 & 8/27/04.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-25, 30, 34 and 36-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (US. Pat. #: 6,195,422).

***Regarding claim 14***, Jones et al. (“Jones”) teaches a method of handling a long distance call, the method comprising:

receiving a long distance call request communicated over a telephone network (col.9, line 54 through col.10, line 13; col.12, lines 39-57);

retrieving a prepaid long distance service code from a switch control point coupled to the telephone network (col.10, lines 50-57; col.12, lines 68 – col.13, line 5); and

connecting a prepaid long distance call system based on the long distance service code (col.10, lines 60-65; col.13, lines 25-43).

Regarding claim 15, note col.14, 27-39.

Regarding claim 16, note col.13, lines 1-4.

Regarding claims 17-18, note col.13, line 62 through col.14, line 18.

***Regarding claim 19***; Jones teaches a prepaid account stored in a computer system, the prepaid account comprising:

subscriber identity data (i.e., Customer Profile Record (CPR), col.9, lines 5-13 and the calling number, col.13, lines 33-42);

network address information associated with the subscriber identity data (i.e., primary inter-exchange carrier chosen by the caller; col.12, line 65 through col.13, line 5 ); and

prepaid usage data to identify a number of prepaid usage units available for use of a telephony service, the telephony service automatically accessible from a telephone network address identified by the network address information (i.e., Service Logic Profile Identifier (SLIP ID), col.14, lines 27-51).

Regarding claims 20-21 and 30, note col.13, line 55 through col.14, line 18.

Regarding claim 22, note col.11, lines 3-10.

Regarding claims 23-25, note col.14, line 52 through col.15, line 15.

***Regarding claim 34***, Jones teaches a billing statement comprising:

subscriber information associated with a subscriber (i.e., Customer Profile Record (CPR), col.9, lines 5-13 and the calling number, col.13, lines 33-42);

local exchanging information associated with a local phone service of the subscriber (col.14.;lines 38-51); and

prepaid account information identifying a portions of prepaid account units associated with a long distance service (col.14, lines 7-19).

Regarding claims 36-37, note col.14, lines 7-19 and lines 27-38.

***Regarding claim 38***, Jones teaches a system comprising:

A long distance telephone carrier system (see figure 3);

A calling card prepaid system (see figure 1);

A service control point including a memory storing subscriber prepaid account information including a prepaid card identity and an associated local phone address (12, line 58 through col.13, line 25); and

A service switching point of an intelligent network, the service switching point responsive to the long distance telephone carrier system and responsive to the calling card prepaid system, the service switching point configured to access the service control point in response to receiving a call request, the service control point configured to access the subscriber prepaid account information to authorize the call request (see col.13, line 26 through col.14, line 6).

***Regarding claim 39***, Jones teaches a prepaid calling card comprising:  
a primary access address (i.e., primary inter-exchange carrier (PIC)); and  
a unique identification number identifying a prepaid account having an allotment of prepaid usage units for use in connection with a telephony service, the telephony service accessible via a first access channel to the service provider and accessible via a second access channel to the service provider (col.12, line 62 through col.14, line 19).

Regarding claims 40-41, note col.10, line 66 through col.11, line 6.

***Regarding claim 42***, Jones teaches a system comprising:

Computer readable memory including:

An originating address; and

A presubmitted interexchange carrier code identifying a prepaid long distance exchange carrier associated with the originating address (note col.12, line 62 through col.13, line 33 and col.15, lines 1-25).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US. Pat. #: 6,999,569) in view of McKoy et al. (US. Pat. #: 5,621,787).

*Regarding claim 1*, Risafi et al. (“Risafi”) teaches a method of activating prepaid phone card after purchased from a card user or holder. Risafi further teaches that, upon activation, the card user can make a toll call using that activated prepaid phone card. The card user begins by dialing a toll-free customer service number. Listening to voice prompts, the card user provides additional information such as the card number, PIN. the system further receives originating telephone number as well as destination from the card user or from the terminal the card user has

used in order to determine rate and available (remaining) calling time or maximum duration of the talk time of the call (see col.16, lines 20-57).

It should be noticed that Risafi further teaches that the card user is allowed to select her or his own PIN, but fails to clearly teach prompting or instructing the card user to select his or her own preferred, pre-submitted or primary inter-exchange carrier (PIC) for routing the prepaid calls when activate the prepaid card. However, McKoy et al. ("McKoy") teaches such features in col.9, lines 31-50 for a purpose of least cost routing of the prepaid phone calls.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the features of prompting or instructing the card user to select his or her own preferred, pre-submitted or primary inter-exchange carrier (PIC) for routing the prepaid calls when activate the prepaid card, as taught by McKoy, into view of Risafi in order to provide the most favorable for the condition in effect for the location at which the prepaid card is issued to the user.

Regarding claims 2 and 4, McKoy further teaches limitations of the claims in col.5, lines 31-38.

Regarding claim 3, Risafi further teach limitations of the claim in col.16, lines 56-57.

Regarding claim 5, McKoy further teaches limitations of the claim in col.9, lines 41-50.

Regarding claims 6-13, Risafi further teaches limitations of the claims in col.2, line 50 through col.3, line 28 and col.16, lines 51-56.

5. Claims 26-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US. Pat. #: 6,195,422) in view of Risafi et al. (US. Pat. #: 6,999,569).

Regarding claims 26-29 and 35, Jones teaches all subject matters as claimed above, except for the well-known feature of recharging the prepaid account by using a credit account or other financial institution accounts such as a bank account, debit account, etc. however, Risafi teaches such features in col.17, lines 6-5 for a purpose of continuing telecommunication services with prepaid telephone account.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the well-known features of recharging the prepaid account by using a credit account or other financial institution accounts such as a bank account, debit account, etc, as taught by Risafi, into view of Jones in order to continuously provide telecommunication services to prepaid subscribers.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US. Pat. #: 6,195,422) in view of Hennessy et al. (US. Pat. #: 5,991,376).

Regarding claim 32, Jones teaches all subject matters as claimed above, except for the well-known feature of incentive information associated with a customer incentive rewarding program. However, Hennessy et al (“Hennessy”) teaches such well-known features in col.2, lines 11-40 for a purpose of providing gratification to the subscriber.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the well-known features of incentive information

associated with a customer incentive rewarding program, as taught by Hennessy, into view of Jones in order to provide gratification to the subscriber.

7. Claim 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US. Pat. #: 6,195,422) in view of Nelson (US. Pat. #: 6,990,182).

Regarding claims 31 and 33, Jones teaches all subject matters as claimed above, except for the well-known feature of the prepaid usage units are in dollars and available for use of a wireless service. However, Nelson teaches such well-known features in figures 4a and 4b, note col.8, lines 3-46 for a purpose of enabling telecommunications subscribers to make single prepayment for telecommunication services.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the well-known features of the prepaid usage units are in dollars and available for use of a wireless service, as taught by Nelson, into view of Jones in order to prepaid calling card to wireless subscriber.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

Application/Control Number:  
10/714,492  
Art Unit: 2614

Page 9

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

(571) 273-8300

Hand Carry Deliveries to:

Customer Service Window  
(Randolph Building)  
401 Dulany Street  
Alexandria, VA 22314

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the FAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BINH K. TIEU/  
Primary Examiner  
Technology Division 2614

Date: December 2007